



# Public Utility Commission of Texas

1701 N. Congress Avenue  
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Web Site: [www.puc.state.tx.us](http://www.puc.state.tx.us)

Pat Wood, III  
Chairman

Judy Walsh  
Commissioner

Patricia A. Curran  
Commissioner

April 14, 1999

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Office of the Secretary  
Federal Communications Commission  
Portals  
445 Twelfth Street, S.W.  
Washington, D.C., 20554

Dear Secretary:

DOCKET FILE COPY ORIGINAL

RE: CC Docket No. 96-128--Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996

Enclosed is an original and fourteen copies of the Public Utility Commission of Texas's request for withdrawal of its petition for limited and temporary waiver of the FCC's payphone rules, related to the above referenced proceeding.

Thank you for your assistance.

Sincerely,

Bret Slocum  
Director, Legal Division  
Office of Regulatory Affairs

Enclosure

cc: International Transcription Service  
Common Carrier Bureau--Enforcement Division

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

**RECEIVED  
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FCC, WASHINGTON**

**In the Matter of:**

**Implementation of the  
Pay Telephone Reclassification  
and Compensation Provisions of the  
Telecommunications Act of 1996**

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**CC Docket No. 96-128**

**PUBLIC UTILITY COMMISSION OF TEXAS  
REQUEST FOR WITHDRAWAL OF  
PETITION FOR LIMITED AND TEMPORARY WAIVER**

The Public Utility Commission of Texas (PUCT) hereby requests a withdrawal of its petition for limited and temporary waiver, submitted to the FCC on November 6, 1998 (see attached). Initially, the PUCT sought limited and temporary waiver of the Federal Communications Commission's (FCC) mandate requiring incumbent LECs to remove from their intrastate rates any charges that recover the costs of payphones, pursuant to Section 276(b)(1)(B) of the Telecommunications Act of 1996.<sup>1</sup> The PUCT sought a waiver to permit Big Bend Telephone Company, Inc. ("Big Bend"), a regulated incumbent local exchange carrier, to provide pay telephone service through its regulated business to remote, underserved areas within its large, rural territory.

Subsequent to the PUCT's request for waiver, a series of PUCT Staff Meetings has resulted in the Texas Payphone Association providing payphone service in the Big Bend

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<sup>1</sup> *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Report and Order, FCC 96-388 (rel. Sept. 20, 1996), ¶ 186.

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

**RECEIVED  
APR 15 1999  
FCC. MEET. ROOM**

**In the Matter of:**

**Implementation of the  
Pay Telephone Reclassification  
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Telecommunications Act of 1996**

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**CC Docket No. 96-128**

**PUBLIC UTILITY COMMISSION OF TEXAS  
REQUEST FOR WITHDRAWAL OF  
PETITION FOR LIMITED AND TEMPORARY WAIVER**

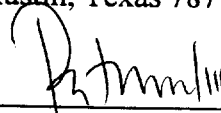
**Pat Wood, III, Chairman  
Judy Walsh, Commissioner  
Brett A. Perlman, Commissioner**

**April 14, 1999**

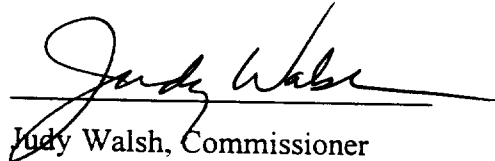
locations to which the waiver referred. Consequently, the PUCT would like to withdraw its Petition for Limited and Temporary Waiver in the above matter.

Respectfully submitted,

Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326



Pat Wood, III, Chairman



Judy Walsh, Commissioner



Brett A. Perlman, Commissioner



## Public Utility Commission of Texas

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Pat Wood, III  
Chairman

Judy Walsh  
Commissioner

Patricia A. Curran  
Commissioner

November 6, 1998

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FEDERAL COMMUNICATIONS COMMISSION

Office of the Secretary  
Federal Communications Commission  
Portals  
445 Twelfth Street, S.W.  
Washington, D.C., 20554

Dear Secretary:

RE: CC Docket No. 96-128--Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996

Enclosed is an original and fourteen copies of the Public Utility Commission of Texas's petition for limited and temporary waiver of the FCC's payphone rules, related to the above referenced proceeding.

Thank you for your assistance.

Sincerely,

Bret Slocum  
Director, Legal Division  
Office of Regulatory Affairs

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cc: International Transcription Service  
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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

**In the Matter of:**

**Implementation of the  
Pay Telephone Reclassification  
and Compensation Provisions of the  
Telecommunications Act of 1996**

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**CC Docket No. 96-128**

**PUBLIC UTILITY COMMISSION OF TEXAS  
PETITION FOR LIMITED AND TEMPORARY WAIVER**

Pat Wood, III, Chairman  
Judy Walsh, Commissioner  
Patricia A. Curran, Commissioner

November 6, 1998

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

<b>In the Matter of:</b>	§	
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<b>Implementation of the</b>	§	<b>CC Docket No. 96-128</b>
<b>Pay Telephone Reclassification</b>	§	
<b>and Compensation Provisions of the</b>	§	
<b>Telecommunications Act of 1996</b>	§	

**PUBLIC UTILITY COMMISSION OF TEXAS  
PETITION FOR LIMITED AND TEMPORARY WAIVER**

The Public Utility Commission of Texas (PUCT) hereby requests a limited and temporary waiver of the mandate requiring incumbent LECs to remove from their intrastate rates any charges that recover the costs of payphones. Currently, the Federal Communications Commission (FCC) requires that, pursuant to Section 276(b)(1)(B) of the Telecommunications Act of 1996, intrastate and interstate payphone rates may no longer be subsidized from basic exchange and exchange access revenues.<sup>1</sup>

PUCT seeks a waiver to permit Big Bend Telephone Company, Inc. ("Big Bend" or "the Company"), a regulated incumbent local exchange carrier, to provide pay telephone service through its regulated business. Big Bend's service territory extends over 17,593 square miles and serves approximately 4,600 access lines. Due to the small size of the Company and the rural, high cost nature of its service territory, Big Bend made the decision not to engage in deregulated

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<sup>1</sup> *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Report and Order, FCC 96-388 (rel. Sept. 20, 1996), ¶ 186.

businesses and discontinued all 73 of its payphones after the enactment of the FTA. To date, 47 of those payphones have been replaced by the competitive market. However, because of the size and rural nature of Big Bend's service territory, there are still underserved areas that are in need of payphone service. With the waiver, Big Bend will be able to supply payphone service to remote rural areas within its service territory that are still in need of payphones. Big Bend approximates that 8 to 10 additional locations within its territory are in need of payphones.

A waiver of the FCC's rules can be granted under 47 C.F.R. §1.3 for "good cause shown." PUCT submits that such special circumstances exist, as enumerated, warranting a deviation from its rule. If granted, the requested waiver will aid the PUCT in protecting the public interest of the citizens of Texas.

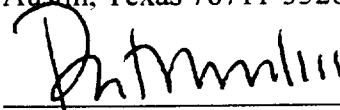
In addition, the waiver is requested for a period of two years. As indicated in our September 1998 Comments to the FCC regarding the need for a public interest payphone (PIP) program (see attached), the PUCT's enabling legislation, the Public Utility Regulatory Act of 1995, does not explicitly address the provisioning and funding of public interest payphone service. The PUCT is planning to seek the necessary authority from the state legislature in the spring of 1999 to fund a public interest payphone program, perhaps from the state's universal service fund. A period of two years will allow the PUCT to secure the enabling legislation and enact its own public interest payphone rules.

In conclusion, the PUCT requests a waiver be granted to permit Big Bend to provide payphone service as part of its regulated operations for a period of two years, or until December 31, 2000. Due to the nature of this filing, we request that this waiver be considered by the FCC expeditiously.



Respectfully submitted.

Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

A handwritten signature in black ink, appearing to read "Pat Wood, III", written over a horizontal line.

Pat Wood, III, Chairman

A handwritten signature in black ink, appearing to read "Judy Walsh", written over a horizontal line.

Judy Walsh, Commissioner